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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/587,448	12/01/95	HO KEUNG	T

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22M2/0919

EXAMINER	
LAUFER, P	
ART UNIT	PAPER NUMBER
2202	10

DATE MAILED: 09/19/97

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

A shortened statutory period for response to this action is set to expire three months(s), or thirty days, whichever is longer, from the date of this communication.

Office Action Summary

Application No.
08/587,448

Applicant(s)
Tse Ho Keung

Examiner **703 306 4160**
Pinchus M. Laufer

Group Art Unit
2202



☒ Responsive to communication(s) filed on Aug 18, 1997

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-7 and 9-21 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-7 and 9-21 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Part III DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. The following rejections to claims 1-7 and 9-21 which were present in the previous office action are maintained. These are reprinted here for convenience.

Claim Rejections - 35 USC § 112

a. Claims 1-7 and 9-21 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are full of grammatical errors and dangling clauses which make the scope of the claims indeterminate.

b. Claims 1-7 and 9-21 are rejected as failing to define the invention in the manner required by 35 U.S.C. § 112, second paragraph.

The claim(s) are replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. Note the format of the claims in the patent cited.

For examination, the claims were understood as a software method of copy protection.

Claim Rejections - 35 USC § 102

c. Claims 1-7, and 9-21 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ananda ('645).

Response to Amendment

3. Applicant's arguments filed 18 August 1997 (date of letter 10 August 1997) have been fully considered but they are not deemed to be persuasive.

a. Applicant argues that the rightful user will not make copies of the authorizing software available.

Response: To the contrary, this is probably the most prevalent form of unauthorized software distribution.

- b. Applicant argues that Ananda deals with rental, while claim 12 specifies purchase.

Response: Rental of the software program is (as disclosed by Ananda) is merely a time-limited purchase.

Specification

4. The objections to the specification contained in the previous action still hold.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Information Regarding Communication with the PTO

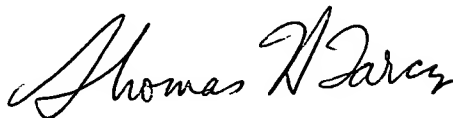
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pinchus M. Laufer whose telephone number is (703) 306-4160. The examiner can normally be reached on weekdays from 7:30 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. T. Tarcza, can be reached on (703) 306-4171. The fax phone number for this Group is (703) 306-4195.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-4177.

Pinchus M. Laufer
September 18, 1997

PML


THOMAS H. TARCZA
SUPERVISORY PATENT EXAMINER
GROUP 2200